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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1459th MEETING

Held at Headquarters, New York,
on Tuesday, 23 July 1996, at 3 p.m.

Chairman: Mr. SAMANA (Papua New Guinea)
(Acting Chairman)

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The meeting was called to order at 3.25 p.m.

QUESTION OF EAST TIMOR (continued) (A/AC.109/2049 and Corr.1 and 2)

QUESTION OF NEW CALEDONIA

Hearing of petitioners (Aides-mémoire 10/96 and Add.1 and 2)

1. The CHAIRMAN said that he had received additional requests for hearings of petitioners on the questions of East Timor and New Caledonia which had been circulated in aides-mémoire 10/96/Add.2 and 11/96/Add.1, respectively.

2. Mr. BAPTISTA (Indonesia) reiterated his firm opposition to the participation of petitioners in the consideration of the so-called question of East Timor.

3. The CHAIRMAN said that, if he heard no objections, he would take it that the Committee agreed to the requests for hearings.

4. It was so decided.

5. At the invitation of the Chairman, Mr. Pinto (National Council of Maubere Resistance) took a place at the petitioners' table.

6. Mr. PINTO (National Council of Maubere Resistance) said that the organization which he represented was composed of all the nationalist groups struggling for the right to self-determination and independence for East Timor. It had also been the organizer of the peaceful demonstration on 12 November 1991 which had preceded the massacre of over 200 people by the Indonesian army.

7. After reviewing the historical background to the question of East Timor, he observed that the Territory was larger in size and population than some 30 States Members of the Organization. It was rich in natural resources and potentially self-sufficient in most agricultural goods. It also had large oil reserves, marble and other minerals. Indonesia's assertion that East Timor was unviable as an independent country was therefore not true. What was more, General Assembly resolution 1514 (XV) stated that inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

8. Indonesia's argument that there was a relationship of affinity between East Timor and Indonesia in terms of geographical location, historical background, religion and culture was groundless. Geographically, East Timor had never been part of Indonesia, neither during the period of the Portuguese and Dutch colonization nor before the arrival of European Powers. In 1949, after Indonesia had declared its independence, the new Government had clearly stated that it had no intention of claiming the territory of East Timor, a statement which it had reiterated in 1974. However, those assurances had been only cosmetic and in 1975 the Government of Indonesia had begun its bloody aggression against East Timor.

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9. East Timor was a melting pot of cultures and religions; one group of the population was connected to the peoples of the South Pacific and the other to the peoples of Malaysia and Polynesia. Furthermore, after 500 years of Portuguese and catholic colonization, East Timor was a nation State in the region, since it maintained a special relationship with the European Union.

10. The invasion of and aggression against East Timor was a violation of international law and of the principles enshrined in the Charter of the United Nations, on the basis of which ten resolutions had been adopted condemning that aggression, eight of them by the General Assembly and two by the Security Council. All of those resolutions reaffirmed the right of East Timor to self-determination and independence. Regrettably, to date none of those resolutions had been implemented and the Special Committee had done nothing to oblige the Government of Indonesia to comply with them. On the contrary, that Government continued to commit grave violations of human rights in East Timor, which had already caused the deaths of more than 200,000 persons as a result of shortages of food, mass killings, or as inmates in concentration camps and prisons. Countless others had been victims of torture and rape. In addition, since the 1980s, the Government had been pursuing a strategy aimed at fomenting religious conflict, which had been unheard of in East Timor prior to the invasion.

11. The withdrawal of the Indonesian army would be the only way of putting an end to the violations of the fundamental right to self-determination and of human rights in general in East Timor. Indonesia still retained a large military presence in the Territory. A report by the United States Senator Claiborne Pell, who had visited East Timor in mid-1996, stated that, according to Government officials in the Territory, Indonesia had 15,403 troops stationed there for two primary reasons: countering the threat posed by the Frente Revolucionaria de Timor Leste Independente (FRETILIN) and working on public projects, since the Indonesian troops were the only ones willing to go into remote villages to do such work. In reality, the Indonesian troops were not needed to maintain peace and in fact served the opposite purpose, since their presence caused the population of the Territory to resist the occupation. The resistance of East Timor was not a resistance of only 188 guerilla fighters; it was a resistance of the majority of the Timorese people, whose lives were in danger under the Indonesian oppression. As for public works, Indonesian soldiers had taken jobs that could have been done by Timorese.

12. The question of the right to self-determination for East Timor was a legitimate one based on international law and the Charter of the United Nations. The historical background, geographical setting, cultural and religious differences and economic and political potential made East Timor a nation State different from Indonesia. The National Council of Maubere Resistance had always expressed its readiness to help the Indonesian Government find a solution to the problem without hurting the stability and integrity of Indonesia. Thus, in 1992, it had proposed a three-phase plan. Phase one, which would last for two years, would involve all three parties working with the United Nations to implement a wide range of confidence-building measures, including the scaling down of the presence of Indonesian troops in the Territory, together with the introduction of a significant United Nations presence. The second phase, lasting between 5 and 10 years, would be a period of genuine political autonomy based on a democratically elected People's Assembly. The third phase would be

the holding of a referendum to determine the final status of the Territory. That proposal by the National Council of Maubere Resistance remained on the table and represented the best possible solution of the conflict.

13. Mr. Pinto withdrew.

14. At the invitation of the Chairman, Mr. Scheiner (East Timor Action Network) took a place at the petitioners' table.

15. Mr. SCHEINER (East Timor Action Network), referring to the working paper prepared by the Secretariat (A/AC.109/2049), said that the legal violations being perpetrated in the Territory included official and unofficial censorship of the media. However, that paper contained at least a dozen references to biased and error-prone Indonesian newspapers. According to paragraph 6 of the working paper, two leaders of the civilian underground in East Timor remained unaccounted for. A report released in May 1996 by the National Council of Maubere Resistance, however, stated that both had been captured by the Indonesian military, tortured with the aim of extracting information and later killed.

16. In October 1995, a member of East Timor Action Network had visited East Timor for five days, during which he had been a witness to the daily brutality against the people of East Timor, the way in which Indonesian troops mistreated the people, their poverty and the economic discrimination against them. United States Senator Claiborne Pell had also recently visited East Timor. His report corroborated the fact that the number of Indonesian troops in East Timor was three times the number reported in paragraph 5 of the working paper. Likewise, Mr. Pell affirmed that the majority of the population of East Timor contradicted the affirmation by Indonesia that they supported integration and that, if a plebiscite on the question were to be held, 90 per cent of the population would vote for independence. He added that Indonesian soldiers obstructed priests who were attempting to meet with their parishioners and tried to create mistrust among the people towards the Church. Finally, in response to questions about the possibility of holding a plebiscite, Senator Pell had been told that the resistance of the East Timor people, in spite of the danger of torture and even death, constituted in itself a referendum in favour of independence.

17. In 1994, the Special Rapporteur of the Commission on Human Rights had noted that the atmosphere of fear and suspicion prevailing in East Timor prevented relatives of victims of repression from testifying about the death of their loved ones. The Special Rapporteur had concluded that a drastic reduction of the Indonesian military presence was a prerequisite for confidence-building measures to allow the families to feel safe enough to report about their missing or killed relatives. That had not occurred, however, and one wondered how much longer the international community, represented by the United Nations, would pretend that it knew nothing and for how many more decades the situation would be allowed to continue.

18. Mr. Scheiner withdrew.

19. At the invitation of the Chairman, Mr. Hale (British Coalition for East Timor) took a place at the petitioners' table.

20. Mr. HALE (British Coalition for East Timor) said that the issue of East Timor had received renewed attention in Europe over the past year, in part as a result of the asylum applications made by refugees who had occupied various European embassies in Jakarta. Those refugees had been pursued and attacked by Indonesian assailants inside the embassies, which had prompted protests by the Governments of the Netherlands, Germany and other countries. The issue had also been raised at the first joint summit of the European Union and Asia, where Indonesia had rejected the Portuguese proposal to establish interest sections as a first step towards restoring diplomatic relations, in exchange for the release of Xanana Gusmão. Those events had culminated in a common declaration by the European Union at its summit in Luxembourg in June 1996, in which the members of the Union had reaffirmed their commitment to a solution which fully respected the interests and legitimate aspirations of the Timorese people and had called on the Indonesian Government to improve the human rights situation. The European Parliament had also adopted resolutions on the subject of East Timor in September 1995 and June 1996. The latter had reaffirmed its solidarity with the people of East Timor in their fight for self-determination and demanded that all European Union member States should halt all military assistance and arms sales to Indonesia.

21. In the United Kingdom, in particular, the campaign on behalf of East Timor had continued to grow at both the parliamentary level and among the general public. In September 1995, 39 members of Parliament from all political parties had signed a declaration committing themselves to the search for peace and self-determination for East Timor. They had also expressed opposition to British arms sales and aid to Indonesia. Over 40 members of Parliament had opposed the sale of "Hawk" aircraft and had called for a British arms embargo against Indonesia which had gained wide support among the general public.

22. The situation of human rights in East Timor, which was a source of great concern in the United Kingdom and throughout Europe, had changed very little over the past year. The events of December 1995 indicated the scale of human rights abuses being committed: on 1 December, Henrique Belmiro had been sentenced to six years in prison for "separatist activity", having been tortured in prison prior to his trial; on 3 December, six people had been arrested for attempting to make contact with the United Nations High Commissioner for Human Rights during his visit; on 7 December, Bishop Belo had reported that 70 people had been arrested for writing pro-independence slogans on walls. Many more had been arrested for their involvement in the embassy occupations that month.

23. The United Nations Commission on Human Rights had briefly discussed the situation of human rights in East Timor in April 1996. In spite of the failure of Indonesia to implement almost all of the measures proposed in previous statements, the Chairman of the Commission had once again proposed a statement on East Timor. One of the few results of international action had been the proposal made by the United Nations High Commissioner for Human Rights, after his visit to East Timor in December 1995, that a permanent office of the Commission on Human Rights should be established in Dili. Following Indonesian opposition, that had been reduced to the possibility that an official of UNDP in Jakarta might periodically visit East Timor to assess the human rights situation. That was a highly unsatisfactory outcome which would not enable the United Nations to monitor accurately the true human rights situation.

24. The British Coalition for East Timor urged the Special Committee to identify concrete steps for action with regard both to human rights and international negotiations. Firstly, there was an urgent need for the United Nations to establish a presence in East Timor to monitor the situation of human rights, as the only way to have an accurate picture of the situation. Secondly, the Special Committee should place the blame for lack of progress in international negotiations firmly with Indonesia. After 20 years, it remained an illegal force of occupation in breach of eight General Assembly resolutions and two Security Council resolutions. During the past 12 months, Indonesia had blocked the negotiations under the auspices of the Secretary-General and rejected an initiative of the Prime Minister of Portugal. The United Nations must place pressure on the Government of Indonesia to bring an end to its intransigence.

25. The people of East Timor sought respect for their fundamental human rights of freedom of speech, association and self-determination. The Special Committee must recognize the modest and non-negotiable nature of those demands, and must press for tangible steps to be taken on the path towards the holding of a referendum under United Nations supervision and a final solution to that question.

26. Mr. Hale withdrew.

27. At the invitation of the Chairman, Mr. Cominskey (Catholic Institute for International Relations) took a place at the petitioners' table.

28. Mr. COMINSKEY (Catholic Institute for International Relations) said that the argument that the outbreaks of violence which had occurred in June and throughout the past year were the result of religious conflict, in many cases provoked by the desecration of religious symbols, was nothing but an excuse given by Indonesia. The real reasons behind the anger unleashed in various parts of East Timor the previous September were the poverty and lack of employment opportunities experienced by the majority of the East Timor population, especially young people. The situation had been made worse by the large influx of migrants and transmigrants, in many cases encouraged by the Government of Indonesia to settle there, reducing opportunities for the East Timorese.

29. Health problems such as rampant malaria and tuberculosis were partly the result of the fear of the health services generated among the people by reports of killings and sterilizations, as well as coercive family planning programmes. UNICEF estimated the infant mortality rate at 135 per 1,000 live births. The improved health care services that Indonesia claimed to have provided were of limited value if the people were unable to trust them.

30. Under current conditions, it was unlikely that attempts to impose a restoration of religious harmony would succeed. Nor would attempts to gather together religious leaders to persuade the various religions and Christian denominations to get along, since harmony could be achieved only through a culture of rights and a sense of freedom to choose. The people of East Timor were repressed by the massive presence of Indonesian soldiers. They could not

worship as they chose, they were not free to organize and they were not free to express themselves.

31. Pope John Paul II had expressed his concern about East Timor on several occasions, notably by celebrating mass there during his visit to Indonesia in 1989. He had asked for a dialogue to advance a form of social and political life that would respond to the aspirations of the inhabitants of East Timor in justice and peace. Cardinal Etchegaray, President of the Pontifical Council for Justice and Peace, had echoed the Pope's call for dialogue under conditions of mutual respect and understanding that would allow for the realization of the legitimate aspirations of the Timorese people for recognition of their special cultural and religious identity. After his visit to East Timor in February 1996, he had reaffirmed his conviction that there could be no justice without peace, nor peace without justice, and that respect for human rights would be the only way in which they could coexist.

32. The Catholic Institute for International Relations contended that the dialogue being conducted at the diplomatic level lacked many of the qualities mentioned; after eight rounds of bilateral talks between Portugal and Indonesia since 1992, the suffering of the East Timorese population had not been reduced. It urged that proposals for peace negotiations made by the representatives of the East Timorese people should be given proper consideration, including the peace plan put forward in 1992 by the National Council of Maubere Resistance. It appealed to the Government of Indonesia to reduce the number of its troops in East Timor and to allow uninhibited and regular access by United Nations observers to the Territory.

33. In conclusion, Indonesia's claims to have integrated East Timor had been repeatedly demonstrated as false, and the ten United Nations resolutions that had not yet been implemented testified to the legitimate claims of the East Timor population. The work of the Special Committee would not be completed until the people of East Timor had been consulted properly, through the holding of a plebiscite.

34. Mr. Cominskey withdrew.

35. At the invitation of the Chairman, Mr. Albuquerque (Commission for the Rights of the Maubere People (Portugal)) took a place at the petitioners' table.

36. Mr. ALBUQUERQUE (Commission for the Rights of the Maubere People (Portugal)) said that colonialism, far from disappearing from relations between peoples, had actually been gathering new vitality over the past 20 years, as could be seen in East Timor, Western Sahara, Kurdistan and Tibet. There were paradoxical situations that would have been unthinkable a few decades earlier. Some peoples continued to be subjected to colonization, but the colonizers had changed; some of them were States which had emerged after long struggles against persistent forms of European colonization. East Timor, the most densely populated of the Non-Self-Governing Territories under review by the Committee, was an example of that blatant contradiction; after 450 years of Portuguese colonization it was subjected to a new colonial regime imposed by the dictatorship of Indonesia, formerly one of the most vociferous members of the anti-colonialist movement.

37. Condemnation of the colonialism in East Timor was being echoed increasingly within Indonesia itself, where some sectors of society rejected the propaganda and practices of the new colonialists. Indonesia was compelling the Timorese to regard their own culture as inferior; although the Timorese spoke Tetum, children were forced to learn the language of the occupier. In a policy designed deliberately to stamp out Timorese culture, Indonesia actively encouraged Indonesian citizens to migrate and settle in East Timor and to take over the most fertile land and occupy the best jobs, mainly in the civil service.

38. With regard to the development of East Timor, vaunted by the Jakarta regime, according to a study by the researcher Paul Salim, rather than 524 kilometres of roads built, in fact there had been 10, built mainly for military purposes. Nor had eight new hospitals been built. In addition, the health care provided in many clinics that the Indonesian Government claimed to have built was very inadequate and was provided by inexperienced doctors who had recently graduated from Indonesian universities and were obliged to work for their first three years in areas designated by the Government. In any case, it was a paradox that, despite Indonesia's claims about its achievements in health care, East Timor had the highest infant mortality rate of all the least populated territories and countries in the world, according to the 1996 report of the United Nations Population Fund. Malaria and tuberculosis affected over 50 per cent of the population.

39. The situation regarding education seemed no better. It was untrue that 550 primary schools had been built, as the Government of Indonesia claimed. The real figure was 140 schools, in which all traces of Timorese culture were being erased, since only one language and culture were taught to the children. The rate of illiteracy among the people of East Timor was over 50 per cent.

40. The economy and resources were subjects on which the Indonesian occupier had preferred not to comment over the past 21 years. According to the research study by Paul Salim, exports had declined considerably since the annexation by Indonesia and the Territory's imports were 12.4 times higher than its exports. The constantly increasing exports of oil and natural gas did not seem to have helped to achieve a balance, in spite of the fact that they were the Territory's greatest natural wealth and the underlying reason for the Indonesian invasion in 1975. The plundering of East Timor's natural resources had enriched a number of companies involved in crimes of genocide in East Timor in 1974 and 1975. In the 1990s other corporate groups had emerged, belonging to friends and relatives of the dictator Suharto.

41. Mr. BAPTISTA (Indonesia), speaking on a point of order, asked the Chairman to prevent the speaker from referring to matters which were outside the subject under consideration.

42. The CHAIRMAN asked the speaker to keep to the item under consideration.

43. Mr. ALBUQUERQUE, quoting the academic George Aditjondro, said that the 10 to 12 battalions which were in East Timor on "civic mission" were made up of troops from the major islands of the Indonesian archipelago and not by local people, which constituted evidence of colonial occupation.

44. Finally, he urged the international community to adopt a different attitude, before colonialism became rooted in relations between peoples, and pressed the United Nations to establish a well-defined framework to discourage colonial practices; that would certainly not be achieved by abolishing the Special Committee on the pretext of financial reorganization at the United Nations.

45. Mr. Albuquerque withdrew.

46. At the invitation of the Chairman, Ms. Scharfe (Parliamentarians for East Timor) took a place at the petitioners' table.

47. Ms. SCHARFE, speaking on behalf of the Canadian branch of Parliamentarians for East Timor, an international organization of parliamentarians created to draw the attention of policy makers to human rights violations in East Timor and to promote the recognition of the inalienable right of the people of that Territory to self-determination, welcomed the consultations between the Secretary-General of the United Nations, Portugal and Indonesia with a view to exploring avenues for achieving a comprehensive settlement of the problem. In order to reach a successful conclusion, those negotiations should, firstly, involve representatives of the East Timorese people, including those who were resisting the current occupation; secondly, secure an end to the hostilities which were preventing the people of East Timor and their representatives from contributing freely to negotiations leading to self-determination; thirdly, provide internationally acceptable conditions of access for relief and development agencies and for independent visitors, journalists and diplomats; and, finally, constitute an act of self-determination, free from interference and verified by international observers acceptable to the East Timorese people.

48. Canada was concerned by the human rights situation and the effects of the Indonesian military presence in East Timor, estimated at 30,000 troops by a pro-independence organization and at less than 9,000 by the Indonesian military commander in East Timor. The Security Council, in paragraph 1 of its resolution 384 (1975), had called on all States to respect the territorial integrity of East Timor. Whatever the number of Indonesian troops in the Territory, their presence was patently illegal, constituted a grave impediment to the exercise of its right to self-determination, did not contribute to making conditions in the Territory more secure or facilitate the process of development, and was a contravention of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

49. Parliamentarians from many countries were becoming increasingly sceptical regarding the efforts of the Special Committee to facilitate the process of decolonization in East Timor, and were wondering what the Committee had done since its inception in 1961 to fulfil its mandate to achieve complete decolonization by the year 2000, except to listen once a year to petitions from persons who were concerned at the situation. While she was not advocating the removal of East Timor from the decolonization process which was taking place under United Nations mediation, she wondered whether it was desirable that consideration of the issue should take place in the Special Committee, in the absence of the majority of countries, such as Canada, which were concerned about human rights and the future of East Timor, and whose Chairman was reported to

have said that the presence of the Indonesian armed forces was a very positive factor for efforts to raise the well-being of the Timorese people. She requested an explanation of that statement; it was hard to see how that military force which had been engaged in genocidal actions against the people of East Timor for more than 20 years could be a "positive factor". Perhaps the time had come for the General Assembly to reallocate the responsibility for decolonization in East Timor directly to the Fourth Committee.

50. Ms. Scharffe withdrew.

51. At the invitation of the Chairman, Ms. Karagiannakis (International Platform of Jurists for East Timor) took a place at the petitioners' table.

52. Ms. KARAGIANNAKIS (International Platform of Jurists for East Timor) reiterated the petition directed to the Secretary-General of the United Nations in 1994, with the signatures of 2,500 professionals, government officials and public figures, urging him to intervene in order to obtain the immediate and unconditional release of Mr. Xanana Gusmão and of the other detained East Timorese. Xanana Gusmão was being treated as a common criminal by the Indonesian authorities in contravention of international standards regarding decolonization. The East Timorese were clearly among the parties "directly concerned" in that matter, as stated in General Assembly resolution 37/30 of 23 November 1982.

53. The Platform was most concerned by the plight of East Timorese asylum seekers. The Platform had been one of the signatories of the joint statement of March 1995, which had called on all countries with embassies in Jakarta which were parties to the relevant treaties to comply with their international legal obligation to duly consider all applications for political asylum and to protect asylum seekers. It also referred to numerous resolutions of the Security Council and the General Assembly which provided that Indonesia's brutal invasion and occupation of East Timor created an international responsibility for States, of which the protection and acceptance of refugees was a part.

54. The situation in Australia in that respect was of particular concern. The decision of the Australian tribunal competent to decide on such cases not to give asylum to Mr. Jong because he had a right to Portuguese nationality had serious implications for the East Timorese. The Platform concurred with the opinion of Dr. Fernand de Varennes, a lecturer in public international law at Murdoch University, that the tribunal had confused the right to seek Portuguese citizenship with actual possession of Portuguese nationality, and in the process had put Australia in the position of breaching its international treaty obligations. Under international law, a country to which refugees had fled did not have to grant them permanency if another country in which they had a legal right of residence accepted them. Had Mr. Jong already been a citizen of Portugal, Australia would have been permitted to send him to that country. However, since East Timorese were not citizens of Portugal until they made a request, Australia could not send them to Portugal against their will; it had an obligation to determine whether they were refugees as defined by treaties which Australia had signed and ratified and, if they were, to grant them asylum.

55. The International Platform urged Australia and all States to comply with their obligations with respect to East Timorese asylum seekers escaping from Indonesian persecution. The efforts of Portugal, as the administering Power, to protect them should not serve as justification for States to avoid their international treaty obligations and the international responsibility created by the Security Council and the General Assembly.

56. Finally, the International Platform wished to express its concern over recent press reports quoting comments allegedly made by the Chairman of the Committee and to state that any comments which described East Timor as a part of Indonesia or questioned the authority of Portugal as the administering Power were incorrect under international law and inconsistent with the position of the United Nations.

57. Ms. Karagiannakis withdrew.

58. At the invitation of the Chairman, Mr. Davidson (Human Rights Watch/Asia) took a place at the petitioner's table.

59. Mr. DAVIDSON said that his organization took no position on the political status of East Timor, although the failure to resolve the underlying political conflict was contributing to ongoing human rights violations in the Territory. Full information on the human rights situation there was thus critical to the Committee's deliberations on the issue of decolonization. It was a matter of deep concern that human rights violations, such as widespread unlawful disappearances and detentions, torture, extrajudicial executions and restrictions of freedom of association, assembly and expression continued to take place in East Timor. A full, impartial and independent investigation was warranted of the emerging pattern of provocative acts of religious desecration or insult by the local authorities, which triggered mass protests that, in turn, led to a crackdown by the security forces. Failure to conduct such an investigation could contribute to heightened religious and ethnic tensions. His organization was also concerned about the carry-over of the East Timor conflict and its related human rights violations into Indonesia proper, especially Java, with detentions and harassment of East Timorese in various cities.

60. While it acknowledged a number of positive developments during the year, especially the opening of a Dili office of the Indonesian National Commission for Human Rights and the continuation in Austria of the All-Inclusive Intra-East Timorese talks, under the auspices of the United Nations, Human Rights Watch was concerned by the Indonesian Government's failure to meet even the minimal terms of the consensual declaration on East Timor issued by the United Nations Commission on Human Rights in April 1996. It had not clarified the circumstances surrounding the Dili massacre, had not released, detained or convicted East Timorese, had not permitted the visit of international human rights organizations and had not invited a special rapporteur or a working group to visit East Timor. It had given very little cooperation to United Nations human rights bodies and had failed to implement any of their recommendations. It had refused the request of the United Nations High Commissioner for Human Rights to open an office in Dili and, even though it had agreed to look into the possibility of the High Commissioner assigning a programme officer within the office of the United Nations Development Programme (UNDP) in Jakarta to follow

up the implementation of the technical cooperation agreement, including regular access to East Timor, it would be a serious mistake to assign someone without experience to deal on a sporadic basis with one of the most sensitive human rights issues in Asia.

61. The systematic use of torture continued to be a major human rights problem in East Timor. In December 1995, the United Nations High Commissioner for Human Rights had announced the Indonesian Government's agreement to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As of July 1996, however, Indonesia had still not become party to that instrument and torture continued to be used by its security forces throughout Indonesia and in East Timor.

62. With regard to the religious and ethnic violence prompted by the failure of the Indonesian Government to resolve the social, political and economic issues that lay at the heart of the human rights problems, three major riots had taken place in 1995. The first and last had been sparked by deliberate acts of incitement against Catholicism, the dominant religion in East Timor. Those acts had led to retaliatory attacks on mosques and on Bugis, a commercially prominent Muslim ethnic group from South Sulawesi. During the course of the second riot, which had arisen from clashes between pro-Government and anti-integration youth groups, attacks on that community had also taken place. One thing was clear, however: the riots and clashes reflected a political, not a religious, problem and until that fact was recognized, it would be difficult to prevent such incidents, and their attendant human rights abuses. It was essential that such incidents, which had begun since 1994, should be thoroughly investigated by an impartial body and the findings made public.

63. The human rights problems in East Timor were not decreasing with economic development. Instead, they were becoming more complex and more difficult and could not be fully resolved until the basic political conflict was directly addressed.

64. Mr. Davidson withdrew.

65. At the invitation of the Chairman, Mr. Miller (Hobart East Timor Committee) took a place at the petitioners' table.

66. Mr. MILLER (Hobart East Timor Committee) recalled that Portugal, and therefore the Territory of East Timor, had been officially neutral during the Second World War, but that neutrality had been violated by Australia, Japan, the Netherlands, the United Kingdom and the United States of America. The United Kingdom had placed considerable pressure on Portugal and its colonial administration to allow the violation of that neutrality. Dutch and Australian troops had invaded the Territory in December 1941, Japan had invaded in February 1942 and the United States of America had bombed Dili in the later stages of the war. Yet all of those nations, with the exception of the United States, as members of the League of Nations, had accepted the obligation to submit to arbitration, judicial settlement or enquiry any dispute which might arise and all of them, including the United States of America, under the terms of the Kellogg-Briand Pact, had disclaimed war as an instrument of national policy.

67. While in 1941, humanitarian law had not been as well developed as it currently was, there could be no doubt that the civilian population had a legal right to be safeguarded from the impact of the war. Yet, far from taking any action to protect the population of East Timor, the belligerents had pressured them to provide food, shelter, transport, information and protection. Towns and villages in East Timor had been bombed, leading to the starvation and death of large numbers of civilians. Japan had caused the largest number of deaths in East Timor during the Second World War, while Australia had caused the greatest amount of damage to airports, roads, bridges and public and private buildings. The death toll in East Timor during the Second World War was accepted as being between 50,000 and 60,000 people. Yet, on the grounds of its neutrality, Portugal had been excluded from all negotiations on the payment of compensation for war damage, including the 1952 San Francisco Conference.

68. Moreover, the legal status of East Timor and the rights of its people had been treated with contempt during the Second World War and that contempt had influenced the response to Indonesia's violation of East Timor's territorial integrity in 1975. It was significant that the nations which could have played the most significant role in deterring Indonesian aggression in 1975 but had failed to do so were also the five nations with undischarged wartime obligations to East Timor: Australia, Japan, the Netherlands, the United Kingdom and the United States of America.

69. There was a second aspect of the question, which related to war crimes. Article 2 of the Charter of the United Nations stated that Members of the Organization should settle their international disputes by peaceful means and should refrain from the threat or use of force against the territorial integrity or political independence of any State. Indonesia had consistently stated, both inside and outside the United Nations, that it did not make any claim to the territories of Borneo or Timor, which were within the Indonesian archipelago but were not part of the Netherlands East Indies. Indonesia had never claimed that it was in danger of invasion from East Timor and had consistently stated that the armed resistance in the Territory constituted only a few hundred people. It had therefore laid itself open to charges of war crimes by the actions which it had taken against the civilian population of the Territory it had occupied since 1975 and the United Nations should begin to collect information on the matter.

70. Another aspect of the question, which had received very little international attention, concerned the specific crime of taking East Timorese children out of East Timor without the knowledge or consent of their parents or relatives and denying their families all information about their whereabouts. Despite having signed and ratified the 1949 Geneva Conventions, which covered the protection of civilians, including children, and people living in occupied territories, Indonesia had removed children from East Timor on several occasions, at times incarcerating them in an orphanage and at other times handing them over to childless Indonesian couples. Such acts were a form of intimidation against East Timorese families and communities. It was not known how many children had been removed to Indonesia, as kidnappings overlapped with the question of the disappearance of young people. Only a full-scale enquiry into the fate of all young people who had gone missing in East Timor since 1975 would establish their fate and put an end to the fear experienced by their families. A permanent United Nations presence in East Timor would help to

protect the children of the Territory. Providing the International Committee of the Red Cross with funds and access to Indonesian records to trace the children would also be useful.

71. The Special Committee had the means and the duty to encourage all bodies of the United Nations and the international community in general to be far more active in enhancing the safety and well-being of the people, and particularly the children, of East Timor.

72. Mr. Miller withdrew.

73. At the invitation of the Chairman, Mr. Mc Corey (Pax Christi, International Catholic Peace Movement) took a place at the petitioners' table.

74. Mr. Mc COREY (Pax Christi) said that his organization supported all the efforts of the United Nations to achieve a just, comprehensive and internationally acceptable settlement of the question of East Timor and its self-determination. The Organization's reports and recommendations could help to establish mechanisms to prevent human rights abuses against the Timorese people.

75. Two decades of monitoring and documentation by the United Nations and non-governmental organizations provided a historical context for viewing the current conflict. While the recent violent demonstrations in Baucau might have been provoked by the desecration of religious symbols, they did not reflect a purely 'religious conflict'. Other conflicts in Komoro, Maliana, Same and Viqueque pointed to more substantial reasons, including: economic injustices, which meant a lack of work opportunities for East Timorese, an imbalance in the distribution of resources and the control of commerce by the Indonesian community; poor social development, particularly in relation to health care for women; the lack of any forum within which Timorese, especially young people, could express their political hopes and aspirations without fear of harassment or violence; the lack of a forum that might encourage inter-faith dialogue and cooperation as a way of breaking down barriers between people; and the continued military presence, which aggravated the fears and hostility of the people.

76. Various representatives of the Catholic Church, from Pope John Paul II to Bishop Belo of Dili, had constantly called for respect for human rights and continued dialogue involving all parties, especially the Timorese. Bishop Belo had supported the idea of allowing the Timorese to decide their future through a plebiscite.

77. Pending a long-term solution of the problem, confidence-building initiatives should be taken, such as the reduction in the number of troops occupying East Timor; honouring of the commitments agreed to in the United Nations Commission on Human Rights; uninhibited access by United Nations special rapporteurs, working groups and specialized agencies, as well as by human rights groups; dialogue with Governments, non-governmental and intergovernmental organizations; and implementation of all international human rights instruments.

78. The dialogue sponsored by the United Nations should continue but must include the Timorese people and must establish mechanisms to ensure respect for

the religious and cultural traditions of the people of East Timor and for the protection of their social, economic and political rights, including their right to self-determination.

79. Mr. Mc Corey withdrew.

80. At the invitation of the Chairman, Mr. Logan (Australia East Timor Association) took a place at the petitioners' table.

81. Mr. LOGAN (Australia East Timor Association) noted with grave concern that, in spite of growing international interest in the problem, there had been no substantive moves towards a just settlement of the question of East Timor in terms of General Assembly resolution 37/30, nor had it been possible to persuade Indonesia to make any concessions in relation to basic humanitarian issues in the Territory. He also deeply regretted the performance of the Australian Government, which in effect constituted a pattern of complicity with the Government of Indonesia to suppress the right to self-determination of the vast majority of the people of East Timor.

82. Australia hoped during the current year to occupy a seat on the Security Council and the question might be asked if it deserved that seat in the light of its refusal to accept the recognition by the United Nations of Portugal as the administering Power of East Timor, its de jure recognition of Indonesian sovereignty, in breach of international law, its continued supply of military equipment and training to the Indonesian army, despite the latter's human rights abuses, and its continued economic exploitation of the resources of Timor Gap, in contravention of the United Nations Convention on the Law of the Sea and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

83. For 20 years, it had been brought to the attention of the Special Committee that Indonesia had suppressed East Timor's right to self-determination through its illegal occupation, annexation and sovereignty, which had the shameful support of influential members of the United Nations, including Australia, the United Kingdom and the United States of America, despite the provisions of the Charter of the United Nations, General Assembly resolution 1514 (XV) and the judgement of the International Court of Justice delivered on 30 June 1995.

84. After reviewing the history of the lack of integrity displayed by successive Australian Governments in the context of East Timor, he said that Australians were appalled that, while their Government had taken a strong stand against human rights abuses in Bosnia and genocide in Rwanda, it had not even suggested an international investigation into the similar crimes perpetrated in East Timor.

85. He asked the Special Committee to support the aspirations of the East Timorese for self-determination. Such support was needed for the purpose of the negotiations being held under the auspices of the Secretary-General of the United Nations to secure a just solution to the problem and to persuade the Indonesian Government to completely remove its illegal occupying force, which would ensure a safeguard against future human rights violations. As a first

step, pressure should be put on Indonesia to release the East Timorese leader, Xanana Gusmão, who was serving a 20-year prison sentence in Java.

86. Mr. BAPTISTA (Indonesia), speaking on a point of order, requested the Chairman to ensure that the speaker did not refer to irrelevant matters.

87. The CHAIRMAN asked the speaker to keep to the item under consideration.

88. Mr. LOGAN said that, before his capture, Xanana had tried to set up negotiations with the Indonesian military authorities; his release could speed up the peace process in East Timor. Finally, the achievement of a just settlement of the question of East Timor would justify the trust placed in the United Nations in the sphere of international peace and security.

89. Mr. Logan withdrew.

90. At the invitation of the Chairman, Sister Plante (Japanese Catholic Council for Justice and Peace) took a place at the petitioners' table.

91. Sister PLANTE (Japanese Catholic Council for Justice and Peace) said that the information received daily from East Timor on human rights violations, such as that concerning young Indonesians seeking asylum in foreign embassies in Jakarta, clearly showed the difficulty of the prevailing situation and the need to pay attention to the distressing complaints against international society which had ignored the tragedy of the Timorese people for so long.

92. The incident which had taken place on 7 December, when Indonesians had helped inhabitants of East Timor to enter the embassies of the Netherlands and the Russian Federation, indicated that a growing number of Indonesians recognized that the occupation of East Timor by their country was illegal. It also showed that the occupation had taken place without the knowledge of the Indonesian people.

93. For 20 years, the Indonesian Government had ignored the resolutions of the General Assembly of the United Nations, the Commission on Human Rights, and human rights organizations. The international community should immediately demand that it should end its cruel acts of terror and oppression. Furthermore, Indonesia had obstructed the dialogue among all sectors of society in East Timor which had been initiated by the Secretary-General of the United Nations, and had restricted access to the Territory by persons concerned by the security situation there, as had occurred in the case of the Chairman of the Japanese Catholic Council. Portugal and many other countries had closed their eyes to those violations of international law and human rights, thinking only of the profits to be gained from trade with Indonesia.

94. According to the official development aid guidelines laid down by the Government of Japan, democratization, human rights and freedom in the recipient country were to be taken into account in the provision of such aid. Regrettably, that clause had never been applied to Indonesia, the biggest recipient of that type of aid from Japan.

95. Finally, she asked the Chairman and the members of the Special Committee to do everything within their power to establish an official presence in East Timor.

96. Sister Plante withdrew.

97. At the invitation of the Chairman, Ms. Brown (Seeds of Hope-East Timor Plowshares) took a place at the petitioners' table.

98. Ms. BROWN (Seeds of Hope-East Timor Plowshares) said that four British women were imprisoned and on trial because on 29 January 1996 they had attempted to disarm a Hawk warplane at the military aircraft factory in Warton. Inspired by the command of Isaiah to "beat your swords into ploughshares", three of them had entered the factory armed with hammers, intending to symbolically disable the aircraft while spreading ashes as a sign of repentance and seeds as a sign of resurrection.

99. The policy of genocide against the people of East Timor, which had since 1974 led to the deaths of no less than 200,000 East Timorese, had received the military and financial support of Western Powers, and in particular of the political, economic and military leadership of the United Kingdom. In 1993, having sold armaments worth $200 million to Indonesia since 1988, the British Government had awarded to British Aerospace a contract worth £500 million to provide 24 Hawk fighter-trainer jets to the military dictatorship of Indonesia.

100. The action of the four members of Seeds of Hope had been inspired by the words of Isaiah, but also by the many Timorese who had given their lives so that others could in future enjoy life and human dignity. She wondered whether it was possible to remain silent before the events in East Timor, whether the international community would have the honesty to admit to the people of that Territory that the lust for profit had been allowed to gain the upper hand, whether it would have the courage to speak in the name of justice and, simply, whether it would be possible to retain a sense of humanity in such times.

101. Ms. Brown withdrew.

102. At the invitation of the Chairman, Mr. Alyn Ware (Auckland East Timor Independence Committee) took a place at the petitioners' table.

103. Mr. WARE (Auckland East Timor Independence Committee) said that recent events in East Timor had given his organization renewed concern and highlighted the fact that the human rights situation in East Timor was not improving.

104. Firstly, as a result of provocation by the Indonesian armed forces, religious riots had broken out in Baucau, ending in the arbitrary detention of a large number of East Timorese youth. Serious cases of torture had been reported and in order to prevent disturbances on the occasion of the twentieth anniversary of the occupation of East Timor, the Indonesian army was reported to have mounted a security crackdown during which there had been house-to-house searches in Dili and the army had harassed, beaten and arbitrarily detained young people, many of whom had been forced to flee to Jakarta and seek asylum in embassies. In one case, five young men had sought asylum in the Embassy of

New Zealand, but their request had been refused and they had had to go as refugees to Portugal. There had been strong criticism of the attitude of the Government of New Zealand.

105. In many cases, those who sought asylum in embassies were assaulted by the Indonesian military, and that had occurred in the case of the five young men. It had later been revealed that it was standard policy at the Embassy of New Zealand to inform those who were standing guard outside that an entry attempt was imminent.

106. It was ironic that the Governments of western countries such as New Zealand attributed to Portugal the responsibility for granting asylum to those who requested it. It could be inferred that they were recognizing Portugal as the administering Power; it was therefore to be hoped that they would also condemn the illegality of the Indonesian occupation and recognize the right of the East Timorese to self-determination, without which there could be neither peace nor justice for that people.

107. At the invitation of the Chairman, Mr. Luís (Portuguese Socialist Party) took a place at the petitioners' table.

108. Mr. LUÍS (Portuguese Socialist Party) said that the international community refused to accept the farce that Indonesia had called "self-determination" for East Timor. Immediately after invasion, Indonesia had announced the establishment of a "provisional government", after stating that a popular referendum was unnecessary. The "provisional government" in turn, had announced on 31 May 1976 that a "People's Representative Assembly" had been established comprised of individuals selected by the occupiers. At its first meeting, that Assembly had requested that the territory should be integrated into the Republic of Indonesia, and on 17 July, the President of Indonesia had issued the decree integrating East Timor as the country's twenty-seventh province.

109. In the meantime, a mission from the United Nations Office at Geneva had visited some of the areas controlled by the occupation forces from 19 to 23 January 1976. With the information which it had been able to gather despite the fact that the provisional government had prevented it from travelling to other areas and making contact with FRETILIN, it had submitted a report on which Security Council resolution 389 (1976) had been based. That resolution reaffirmed the inalienable right of the people of East Timor to self-determination and independence and called upon the Government of Indonesia to withdraw without delay all its forces from the Territory.

110. The United Nations General Assembly had also considered the question on many occasions and had adopted resolutions reaffirming the right to self-determination and independence of East Timor.

111. The United Nations had not been alone in refusing to recognize the integration of East Timor into Indonesia. Other forums, for example the Movement of Non-Aligned Countries, of which Indonesia had been one of the main founders, the Parliamentary Union, the European Parliament and the African, Caribbean and Pacific States-European Economic Community (ACP-EEC) Joint

Assembly, had reaffirmed the right of the people of East Timor to self-determination.

112. The Parliamentary Union, a worldwide group of parliamentarians from different political systems, had adopted various resolutions reaffirming the inalienable right of the people of East Timor to self-determination and independence and urging Indonesia to withdraw its forces from the territory in order to permit the exercise of that right. In 1982, the Inter-Parliamentary Union had adopted an appeal drafted by Portugal asking Governments and parliaments throughout the world to recognize and reaffirm the right of East Timor to self-determination and independence. And at its 1987 meeting in Thailand, like Indonesia, a member country of the Association of South-East Asian Nations, the Inter-Parliamentary Union had adopted by a large majority a resolution expressing its concern at the situation in East Timor and inviting the interested parties to work together towards a solution in accordance with the principle of self-determination. In 1987, the ACP-EEC Joint Assembly, meeting in Lisbon, had unanimously adopted a resolution condemning the illegal occupation of East Timor by Indonesia and reaffirming the inalienable right of the people of East Timor to self-determination and independence.

113. The European Parliament, largely through concerted action by its Portuguese members representing all parties had adopted important resolutions on the issue in 1986, 1988 and 1989. More recently, in 1995 and 1996 the International Inter-Parliamentary Conference had done so as well, and on 25 June 1996, the European Union, along with its associated countries of Central and Eastern Europe and Cyprus and Malta had adopted a declaration condemning Indonesia for the invasion and occupation of East Timor.

114. Mr. Luis withdrew.

115. At the invitation of the Chairman, Mr. Barbosa de Melo (Member of the Portuguese Parliament) took a place at the petitioners' table.

116. Mr. BARBOSA DE MELO (Member of the Portuguese Parliament) urged the Special Committee to defend the inalienable rights of the people of East Timor and also urged Indonesia to respect the human rights of all Timorese, to recognize the right of East Timor to self-determination and to put an end to its aggression against the historical, cultural and religious identity of its people.

117. An Inter-Parliamentary Conference had recently been held in Lisbon at which government officials, parliamentarians, magistrates and intellectuals from many countries, along with leaders of the Timorese resistance, had reviewed the situation created by the Indonesian invasion of East Timor and its subsequent occupation and had heard the dramatic message sent by Commander Xanana Gusmão, still a prisoner of the occupying forces. The conclusions of that meeting were contained in the Lisbon Declaration, which denounced the policy of genocide implemented by Indonesia in East Timor, appealed to the ethical, legal and political conscience of the international community concerning what was taking place in the Territory and called on the occupying State to respect the United Nations resolutions on the question.

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118. Despite those appeals, the situation in East Timor was growing more serious. Ethnic and religious tensions between Timorese and Indonesians had increased; mass immigration of Indonesians into the territory of East Timor was continuing; cases of torture, arbitrary detention, attacks, summary executions, disappearances and killings were becoming increasingly common; the numbers and violence of the military and police forces were increasing, and many Timorese, especially young people, had become strangers in their own land and had been forced to seek asylum. The atmosphere of fear, mistrust and intimidation had grown worse.

119. On the other hand, outside East Timor, there had been various positive signs for the cause of the Timorese people, including the judgement issued on 30 June 1995 by the International Court of Justice in the case between Portugal and Australia concerning the Agreement between Australia and Indonesia for the extraction of oil in the territorial sea of East Timor. Because Indonesia had refused to accept the jurisdiction of the Court and had not been a party to the case, it had not been possible to reach a decision on the substance of the matter. However, the Court had recognized that East Timor was a Non-Self-Governing Territory for purposes of the application of Chapter XI of the Charter, meaning that the law under which Indonesia had attempted to annex East Timor had no validity whatever in international law and that, according to the International Court of Justice, East Timor had not yet exercised its right to self-determination.

120. Furthermore, it should be noted that in Luxembourg the Council of Europe had adopted a position of support for the traditional United Nations policy on East Timor. Thus, the highest legal bodies of the international community and of Europe as a whole currently gave their unequivocal support to the fight of the Timorese people against oppression and in favour of the exercise of their right to self-determination.

121. In July 1996 the Conference of Heads of State and Government of Portuguese-speaking countries had been held in Lisbon. The attending Heads of State and Government had received a delegation of the Coordinating Committee of the Diplomatic Front for Timorese Resistance and had reiterated that they were ready to promote concerted action to guarantee respect for human rights and fundamental freedoms in East Timor and a just, comprehensive and internationally acceptable solution that would achieve respect for the legitimate rights and aspirations of its people in conformity with international law.

122. In conclusion, he deplored the fact that Indonesia, which not long ago had been a colonial territory and which had been one of the first States to support the decolonization movement, was continuing to exercise its domination over East Timor, destroying the life, culture and identity of the Timorese people. He urged Indonesia to recapture its tradition as a decolonizing country and to rectify its continuing failure to observe the principles of the Charter, which under other circumstances it had promoted within the international community.

The meeting rose at 6.05 p.m.